

## **REMARKS**

Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1-6, 9-16, 19-30 and 37-42 are currently pending.
- Claims 5, 9, 19, 28 and 29 are canceled herein.
- Claims 1, 11-16, 20, 21, 37, 39 and 41 are amended herein.
- New claims 43-51 are added herein.
- After entry of this document, claims 1-4, 6, 10-16, 20-27, 30 and 37-51 are currently pending.
- Accordingly, 5 independent claims and 36 total claims will be pending, as was the case upon filing of the application.

### **Support for the Claim Amendments**

Support for the amendments to claim 1 is found in the specification, as originally filed.

In claim 1, support for “the requesting made over at least two channels, including a channel adapted for use by a cell phone and a channel adapted for use by a laptop computer” is found at least at block 204 of FIG. 2 and at paragraph [0037] and other locations.

In claims 1, 11, 21, 37, 39 and 41, support for “sub-portion” is found at least at originally filed claims 8, 9, 18, 19, 28 and 29, and at paragraphs [0029] and [0035] and other locations.

In claim 11, support for “wherein the sub-portion of the library includes a hierarchy of models, the hierarchy of models including a base model to roughly identify

an object and specialized models to refine the rough identification” is found at least at paragraph [0030] and other locations.

In claim 21, support for “the sub-portion of the library including a hierarchy of models, the hierarchy of models including a base model to roughly identify an object and specialized models to refine the rough identification of the object” is found at least at paragraph [0030] and other locations.

In new claim 43, support for “capturing an image” is found at least at block 202 of FIG. 2 and associated locations in the description and other locations.

In new claim 43, support for “transmitting a request for identification, the transmitting made over at least two channels, the at least two channels being different channels” is found at least at block 204 of FIG. 2 and associated locations in the description and paragraph [0037] and other locations.

In new claim 43, support for “receiving, in response to the request for information, a response from two or more objects, including a response from at least one object not actually in the image” is found at least at block 206 of FIG. 2 and associated locations in the description and paragraph [0027] and other locations.

In new claim 43, support for “extracting, from a model datastore, models associated with the response, the extracting including relevant models and excluding other models” is found at least at block 210 of FIG. 2 and associated locations in the description and paragraph [0035] and other locations.

In new claim 43, support for “evaluating the image, using the extracted relevant models, to determine objects within the image” is found at least at block 212 of FIG. 2 and associated locations in the description and paragraph [0035] and other locations.

In new claim 43, support for “annotating the image with parameters for objects found in the image” is found at least at block 214 of FIG. 2 and associated locations in the description and paragraph [0037] and other locations.

In new claim 44, support for “wherein the image is a video image and wherein the transmitting of the request in response to a significant scene change in the image” is found at least at paragraph [0023] and other locations.

In new claim 45, support for “wherein extracting relevant models comprises extracting only models related to indoor objects or extracting only models related to outdoor objects” is found at least at paragraph [0028] and other locations.

In new claim 46, support for “wherein extracting relevant models comprises extracting a hierarchy of models, the hierarchy of models including a base model to roughly identify an object and specialized models to refine the rough identification” is found at least at paragraph [0030] and other locations.

In new claim 47, support for “wherein extracting models includes extracting parameterized models, the parameterized models distinguishing an open laptop from a closed laptop” is found at least at paragraph [0028] and other locations.

In new claim 48, support for “wherein extracting relevant models comprises extracting a sub-portion of models from the model datastore based on brand of manufacturer” is found at least at paragraph [0029] and other locations.

Support for new claim 49 is found at least at the locations cited with respect to claims 43 and 45-48.

Support for new claim 50 is found at least at the locations cited with respect to claim 44.

Accordingly, the amendments submitted herein, and the new claims, do not introduce any new matter.

**Claims 1-6, 9-16, 19-30 and 38-42 Comply With § 112, 1st Paragraph**

Claims 1-6, 9-16, 19-30 and 38-42 stand rejected under 35 U.S.C. § 112, Paragraph 1, as allegedly failing to comply with the written description requirement. For the sole purpose of expediting prosecution and without commenting on the propriety of the Office's rejections, Applicant herein amends claims 1, 11 and 21 as shown above. Applicant respectfully submits that these amendments render the § 112, Paragraph 1 rejections moot. As noted above, in claims 1, 11, 21, 37, 39 and 41, support for "sub-portion" is found at least at originally filed claims 8, 9, 18, 19, 28 and 29, and at paragraphs [0029] and [0035] and other locations.

**Claims 11-20 and 39-40 Recite Statutory Subject Matter Under § 101**

Claims 11-20 and 39-40 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. For the sole purpose of expediting prosecution and without commenting on the propriety of the Office's rejections, the Applicant herein amends claim 11. The Applicant respectfully submits that these amendments render the § 101 rejection moot.

## Cited Documents

The following documents have been applied to reject one or more claims of the Application:

- **He:** He, U.S. Patent Application Publication No. 2004/0118916
- **Maynard:** Maynard, U.S. Patent No. 5,949,335

## Claims 1-6, 9-16, 19-30 and 37-42 are Non-Obvious Over He in view of Maynard

Claims 1-6, 9-16, 19-30 and 37-42 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over He in view of Maynard. Applicant respectfully requests reconsideration in light of the amendments presented herein.

### Independent Claim 1

Claim 1, as amended herein, recites, in part (with emphasis added to indicate points for discussion):

requesting identification of a first object in association with a capture of an image, **the requesting made over at least two channels, including a channel adapted for use by a cell phone and a channel adapted for use by a laptop computer**

The He document of record discloses a system and method for verifying RFID reads. A signal is transmitted from a device, thereby activating an RFID tag on a product (see He, at the Abstract). The product sends back a response, indicating a nature or identify of the product. As a verification measure, an image of the product is obtained. If the image substantially agrees with the signal from the RFID tag, the

product is verified. However, if the image conflicts with the signal from the RFID tag, the system indicate an error (see He, at the Abstract). Accordingly, He allows a store to prevent spoofing of the RFID system, by providing the “reality check” of a visual identification.

Therefore, He discloses operation on one channel, *i.e.*, a channel associated with RFID tags. He fails to teach or suggest use of a second channel. In fact, a second channel (and therefore a second response) would confuse and render inconclusive any data received by He, since it would be unclear how the second response was related to the image. Moreover, He fails to teach or suggest that one of the channels “a channel adapted for use by a cell phone” and that the other channel “a channel adapted for use by a laptop computer,” as recited by claim 1, as amended.

The Maynard document of record discloses an RFID tagging system for network assets, such as computers and disc drives on a network. RFID devices are used to tag network assets. Security data on the devices can prevent asset operation unless the asset is properly installed within the interrogation zone. Unauthorized removal and/or movement of a device can result in alarms, etc. (see, Maynard, columns 1 and 2).

Therefore, Maynard discloses operation on one channel, *i.e.*, a channel associated with RFID tags. Maynard fails to teach or suggest use of a second channel. In fact, a second channel is unnecessary to Maynard, who suggests that the RFID solution, alone, is sufficient to prevent any problem (*e.g.*, see Abstract, wherein Maynard discloses, “the asset can be identified in the interrogation zone for enabling only an authorized removal of the asset and whereby operation of the asset can be automatically inhibited absent completion of the predetermined communications

sequence between the asset and the RFID host.”) Moreover, Maynard fails to teach or suggest that one of the channels “a channel adapted for use by a cell phone” and that the other channel “a channel adapted for use by a laptop computer,” as recited by claim 1, as amended.

Therefore, singly and in combination, He and Maynard fail to teach or suggest, “the requesting made over at least two channels, including a channel adapted for use by a cell phone and a channel adapted for use by a laptop computer,” as recited by claim 1, as amended.

In view of the recent amendments, the Office has not cited art against the newly added subject matter. Therefore, for at least the reasons indicated above, the Applicant respectfully submits that the documents of record fail to teach or suggest at least the above-indicated claim elements. Accordingly, the Applicant respectfully requests that the Office withdraw the 103 rejection of claim 1.

#### *Dependent Claims 2-6, 10, 37, 38 and 51*

Claims 2-6, 10, 37, 38 and 51 ultimately depend from independent claim 1. As discussed above, claim 1 is allowable over the cited documents. Therefore, claims 2-6, 10, 37, 38 and 51 are also allowable over the cited documents of record for at least their dependency from an allowable base claim, and also for the additional features that each recites.

### Independent Claim 11

Claim 11, as amended herein, recites, in part (with emphasis added to indicate points for discussion):

selecting, based on the first identifier, a subset sub-portion of a library of potential matches, wherein the subset sub-portion is less than the library of potential matches, and **wherein the sub-portion of the library includes a hierarchy of models, the hierarchy of models including a base model to roughly identify an object and specialized models to refine the rough identification**

The He document presumes that the system already knows what the RFID tag says the item is. He's challenge, therefore, it to confirm or deny that assumption. Therefore, He does not require a hierarchy of models—only a model of the item suggested by the RFID tag. Having that model, He can determine if there is a match. Thus, He fails to teach or suggest “a base model” to “roughly identify” and a “specialized model” to “refine the rough identification,” as recited by claim 11, as amended.

The Maynard document does not teach a recognition process involving an image. Accordingly, Maynard does not use models, as recited by the claim. Thus, Maynard fails to teach or suggest “a base model” to “roughly identify” and a “specialized model” to “refine the rough identification,” as recited by claim 11, as amended.

Therefore, singly and in combination, He and Maynard fail to teach or suggest, “the sub-portion of the library includes a hierarchy of models, the hierarchy of models including a base model to roughly identify an object and specialized models to refine the rough identification,” as recited by claim 11, as amended.



In view of the recent amendments, the Office has not cited art against the newly added subject matter. Therefore, for at least the reasons indicated above, the Applicant respectfully submits that the documents of record fail to teach or suggest at least the above-indicated claim elements. Accordingly, Applicant respectfully requests that the Office withdraw the 103 rejection of claim 11.

Dependent Claims 12-16, 20, 39 and 40

Claims 12-16, 20, 39 and 40 ultimately depend from independent claim 11. As discussed above, claim 11 is allowable over the cited documents. Therefore, claims 12-16, 20, 39 and 40 are also allowable over the cited documents of record for at least their dependency from an allowable base claim, and also for reasons associated with the additional features that each recites.

Independent Claim 21

Claim 21, as amended herein, recites, in part (with emphasis added to indicate points for discussion):

an identifying module configured to select, based on the first identifier, a sub-portion of a library of potential matches, **the sub-portion of the library including a hierarchy of models, the hierarchy of models including a base model to roughly identify an object and specialized models to refine the rough identification of the object**, the sub-portion being less than the library of potential matches, and to identify a second object that is shown in the image separately from the first object

using the selected sub-portion of potential matches, the second object being identified by a second identifier that is different from the first identifier

Claim 21 is allowable for reasons similar to those indicating that claim 11 is allowable. Accordingly, the remarks from above are incorporated by reference at this location. In view of these remarks, the Applicant respectfully requests that the section 103 rejection be removed.

#### Dependent Claims 22-27, 30, 41 and 42

Claims 22-27, 30, 41 and 42 ultimately depend from independent claim 21. As discussed above, claim 21 is allowable over the cited documents. Therefore, claims 22-27, 30, 41 and 42 are also allowable over the cited documents of record for at least their dependency from an allowable base claim, and also for reasons associated with the additional features that each recites.

#### New Claims 43-50

Claims 43-50 are newly added. Accordingly, the Office has not cited art against these claims. Claims 43-50 are allowable for reasons similar to those indicating that claims 1 and 11 are allowable. Accordingly, the remarks from above are incorporated by reference at this location. Additionally, claims 43-50 are allowable for reasons associated with the additional features that each recites. In view of these remarks, the Applicant respectfully requests that the section 103 rejection be removed.

## **Conclusion**

For at least the foregoing reasons, all pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application.

If any issues remain that would prevent allowance of this application, **the Applicant requests that the Examiner contact the undersigned representative before issuing a subsequent Action.**

Respectfully Submitted,

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Representative for Applicant

          /David S. Thompson 37954/          

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